

# *Kansas Environmental News*

January, 2002



## Secretary's Corner

*Clyde D. Graeber*

I would like to start off this column by talking about the upcoming 2002 Legislative Session. By now, everyone I'm sure is aware of the budget issues challenging our State. I want to assure everyone that every effort will be made to maintain to the greatest degree possible all KDHE programs and their current level of services. We will keep all of you posted of developments with the State budget.

The Division of Environment has recently published its yearly report on the state of the Kansas environment. *Kansas Environment 2002* outlines several challenges which will require special attention in years to come. A few examples include issues such as environmental education and outreach, nonpoint source pollution of surface water, and enforcement of the federal Regional Haze Rule in protected wilderness areas and national parks in Kansas. Substantial progress has been made over the years in protecting our natural resources.

The refurbishment of facilities at the KDHE Division of Health and Environmental Laboratories at Forbes Field in Topeka is moving forward. The upgraded facilities will greatly enhance the ability of our labs to provide critical services that are required to protect the environment of our state.

I wish to congratulate and thank everyone for all their work and effort during 2001. KDHE responded to a multitude of unusual and difficult challenges this past year. At the same time, we completed our move to the Curtis State Office Building and responded to many public safety concerns in the wake of the September 11 attacks on our nation. My thanks to everyone for your efforts helping make 2001 a year of great accomplishments!

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## Salvage Yard Project

Just a year ago, staff from the various bureaus at KDHE met to discuss the possibility of providing assistance to salvage yards, in an effort to reduce environmental pollution and the potential of pollution. Throughout the spring, the group, joined by staff from the Pollution Prevention Institute at Kansas State University, and staff from the Kansas Department of Transportation, met to develop a plan for the improvement, which would meet the needs of salvage yard operators to improve compliance in many facilities.

The plan included seven workshops to be hosted by PPI with presentations by KDHE staff: Air, Water, Waste and Remediation. After a huge turnout by salvage yard operators, the workshops were considered an overwhelming success. All day workshops were offered throughout the state with a small charge for lunch. At the workshops, participants learned about regulations and pollution prevention techniques, and were offered the opportunity to sign up for an assessment to help them voluntarily comply with regulations. About 140 companies have signed up for the assessment so far.

In addition to the workshops and assessment opportunity, a number of fact sheets are being developed by PPI and will be sent to all salvage yard operators. The short, concise fact sheets will be sent at intervals throughout the year to remind operators of various issues such as air quality regulations (especially for aluminum smelters), hazardous and solid waste, underground storage tanks and stormwater issues.

This is the first time KDHE has developed such an initiative, focusing first on voluntary compliance through education with a broad approach which includes all areas of environmental concerns.

## Changes in the Works for KDSI! Web Site

Exciting future changes are planned for the Kansas Don't Spoil It! web site, which can currently be accessed at [www.kdhe.state.ks.us/waste](http://www.kdhe.state.ks.us/waste).

In the future, the web site can be accessed through

[www.kansasdontspoilit.com](http://www.kansasdontspoilit.com), [www.dontspoilit.com](http://www.dontspoilit.com), or the existing web address. At the present time the available information is limited and includes brief text summaries of the overall program and a number of it's activities. When completed, the new KDSI! web site should provide substantially more information about recycling, composting, household hazardous waste, and source reduction activities in Kansas.

There will be a "kids' room" with information about the annual Kansas Don't Spoil It! calendar contest, previous winning contest entries, an interactive guidebook designed to make environmental education fun for students and educators, as well as various games and activities for kids.

There will also be a news and events area which will provide press releases, and a monthly calendar of events. Users will be able to view KDSI! posters and promotional items which are available in limited quantities.

The site will also provide links to other Division of Environment programs. The Bureaus of Air and Radiation, Environmental Remediation, and Water all now have programs included under the Kansas Don't Spoil It! "umbrella." Watch for the debut of the new web site.

*John Mitchell, Bureau of Waste Management*



**KDHE REGULATIONS IN PROCESS**

updated 12/15/01

REGULATION	DIV. DRAFT	EPA REVIEW	DOA REVIEW	AG REVIEW	PUBLIC HEARING	EFFECTIVE
<b>Waste Management</b>						
<u>Tires, Insurance, PCBs</u>	9/01	NA	11/01	11/01	1/02	*3/01
<u>Haz. Waste Update(A)</u>	7/01	7/01	*12/01	*1/02	*3/02	*5/02
Groundwater(A)	*1/02	*2/02	*2/02	*3/02	*5/02	*7/02
Vertical Expans, Spec. Waste(A)	*2/02	*3/02	*3/02	*4/02	*6/02	*8/02
Permit Fees, Tonnage Fees(A)	*3/02	N/A	*4/02	*5/02	*7/02	*9/02
Medical Waste(A)	*4/02	*5/02	*5/02	*6/02	*8/02	*10/02
Construction Quality Assurance	*5/02	N/A	*6/02	*7/02	*9/02	*11/02
Const/Demo(N)	*7/02	N/A	*8/02	*9/02	*11/02	*1/03
SW Planning(A)	*8/02	N/A	*9/02	*10/02	*12/02	*2/03
<b>Air and Radiation:</b>						
50% Permit-by-Rule(A)	*11/01		*12/01	*12/01	*3/01	*4/02
Acid Rain Permits(A)	12/01		*1/02	*1/02	*3/02	*5/02
Acid Rain NOx(N)	12/01		*1/02	*1/02	*3/02	*5/02
Opacity Rule(A)	*1/02		*2/02	*2/02	*4/02	*5/02
Update Stds(NSPS,MA)	*12/01		*1/02	*1/02	*3/02	*5/02
MSWLF EG Rules	*2/02		*3/02	*3/02	*5/02	*6/02
Solvent Metal Cleaning(A)	*12/01		*12/01	*12/01	*2/02	*3/02
Consolidated Air Rule (N)	*1/02		*1/02	*1/02	*3/02	*5/02
Definitions	*1/02		*1/02	*2/02	*4/02	*5/02
						*10/01

New(N), Amended(A), Revoked(R)

**Cold Solvent Metal Cleaning Regs for Johnson and Wyandotte Counties**

There are proposed regulations under development by the KDHE Bureau of Air and Radiation, for businesses involved in cold solvent metal cleaning, which potentially could impact businesses in Johnson and Wyandotte counties. The current regulation is being revoked and a new regulation will be adopted to replace it. This regulation will add requirements that for certain uses only solvents with low volatility can be utilized. The regulation will aid in reducing the emissions of volatile organic compounds (VOC) in the area to help avert future ozone problems in the Kansas City area. If you think your business may be impacted by the new regulations and you would like more information, you can contact the Small Business Environmental Assistance Program (1-800-578-8898) at Kansas State University for current information and assistance, or check out their web site at [www.sbeap.org](http://www.sbeap.org) or you can contact the Bureau of Air and Radiation at KDHE.

## Compliance Advisory Panel Meets

The Compliance Advisory Panel (CAP) for the Small Business Environmental Assistance Program met on November 16, 2001 to elect a Chair and Co-Chair. The new Chair is Carl Kurt, PhD and the Co-Chair is Ken Martin.

The CAP is required by Section 507 of the Clean Air Act Amendments and the Kansas Air Quality Act as one of the three components of the Small Business Environmental Assistance Program. The CAP provides oversight for the technical assistance component and the ombudsman. They also review drafts of documents produced by the SBEAP and assist in writing the annual report to the US Environmental Protection Agency, which, in turn, is combined with other state's reports for Congress.

The technical assistance component is under contract to the Pollution Prevention

Institute at Kansas State University to provide confidential help for small businesses free of charge. The phone number for help with a compliance problem or pollution prevention alternatives is 1-800-578-8898.

The ombudsman is within the Bureau of Environmental Field Services, Kansas Department of Health and Environment and can be reached at 1-800-357-6087.

The next CAP meeting is scheduled for May 1 at 11AM.

## 2002 Pollution Prevention Awards

The P2 Awards application has been updated and you can find the new application on the web at [www.kdhe.state.ks.us/befs/sbcs.htm](http://www.kdhe.state.ks.us/befs/sbcs.htm). If you are unable to access the website for the applications, please give us a call at 1-800-357-6087 and we'll be happy to send you a hard copy. Remember that any facility, community, school or individual is eligible for an award, and applications are not competitive, but based on their own merit. Award applications are due Friday, June 28<sup>th</sup> at 5:00. Awards will be presented at next year's annual environmental conference. The conference will be held in Topeka at the Capital Plaza Hotel, August 27-28, 2002.



## Statewide Management Action Plan Developed for Formerly Used Defense Sites in Kansas

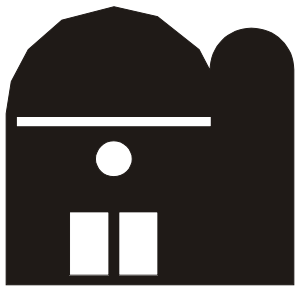
The Superfund Unit in KDHE's Bureau of Environmental Remediation, the US Army Corps of Engineers, and the Environmental Protection Agency have completed a statewide Management Action Plan (MAP) for formerly used defense sites (FUDS) in Kansas. The MAP is a planning document that will be used to guide completion of the Kansas FUDS environmental cleanup program. Kansas was one of four states to pilot development of a statewide MAP and the first state to complete the project. KDHE staff were given the US Army Corps of Engineers Heartland Award for their teamwork on the project at a ceremony in early November.

The US Army Corps of Engineers is the federal agency responsible for the cleanup of FUDS. The Corps began a nationwide initiative in the Spring of 2001 to develop state-wide FUDS cleanup programs. Past projections have predicted that the FUDS program will not be completed until well into the 21st century. Based on the success of the Kansas program and the progress made in the other pilot states during this year, the Corps plans to develop MAPs in 10 more states during 2002.

Centrally located, sparsely populated, far from the oceans and our enemies, Kansas was a choice location for military training bases during World War II. Military airfields were constructed in Coffeyville, Dodge City, Garden City, Great Bend, Hays, Herington, Hutchinson, Independence, Liberal, Olathe, Pratt, Salina, Topeka, Wichita, and Winfield. The bases also had auxiliary airstrips and bombing ranges constructed for training. After the war, most of the property was turned back to civilian control and became local airports, farms, and ranches. During the cold war, the Department of Defense built nuclear missile sites surrounding Topeka, Salina, and Wichita as part of our nation's nuclear defense system. The missile sites were decommissioned during the 1960's and 1970's and now are used for a variety of purposes including single-family residences. During their military use, maintenance activities and spills released hazardous chemicals into the soils and groundwater at the airbases and some of the missile sites.

The MAP promises to be a valuable planning document that will lead to more efficient and timely completion of the environmental cleanup of Kansas FUDS.

*Randy Carlson, Bureau of Environmental Remediation*



## **New Direction for Construction & Demolition Landfill Regulations**

For the past 18 months, the Bureau of Waste Management has been working with an external task force to develop a comprehensive set of regulations for the 131 construction and demolition (C & D) landfills in Kansas. At the present time, state regulations which apply to C & D landfills are scattered through the general solid waste regulations and some landfill owners and operators find it difficult to determine what standards apply. A consolidated set of C & D regulations should help permit applicants or current operators better understand applicable requirements and bring more consistency KDHE's permitting and inspection programs.

The initial draft of the C & D regulations was met with considerable opposition, primarily because the proposal was not well-understood and certain repeated violations automatically "triggered" enhanced standards of design and operation. If a landfill was found through KDHE inspections to repeatedly dispose of waste materials which are prohibited from entering C & D landfills by existing state law, enhanced standards would apply. These include groundwater monitoring, a clay liner, and a leachate collection system. The draft regulation also established "de minimus" quantities of restricted waste, meaning a "triggering violation" must exceed some established level of restricted waste.

The issue of the disposal of restricted materials is very important because failure to comply can "trigger" more stringent federal standards and cause environmental harm. For example, if a landfill receives exempt small quantity generator waste such as non-empty chemical containers or municipal solid waste, federal standards

found in 40 CFR Part 257.5 and Part 258, respectively, apply.

Despite the attempt to design fairness into the draft regulation, it was clear that significant changes were needed due to widespread opposition and confusion related to restricted wastes and the triggered standards. Keeping the statutory restriction and federal rules in mind and the desire to maintain the C & D landfill universe for inert wastes, a whole new regulatory approach was developed as summarized below:

- (1) All sections of the draft regulations related to de minimus quantities, triggering violations, enhanced standards for liners and leachate collection systems, and groundwater monitoring have been deleted as they apply to traditional C & D landfills.
- (2) The existing statutory definition on acceptable waste types will be enforced. Enforcement actions will be determined based upon severity of the violation and history of non-compliance.
- (3) The C & D regulation package will still be developed to address siting, design, and operations, but no provisions will be included to address restricted waste disposal.
- (4) Stormwater management requirements will be a key part of the regulations. This includes the management of "clean" stormwater which has not contacted waste and "contact water" which shall not be directly discharged off-site.
- (5) Traditional C & D landfills are encouraged to immediately establish screening areas where restricted wastes can be removed for proper disposal at an alternate site before the waste is placed in a permanent disposal area.

(6) Because of the difficulty that many C & D landfill operators have in keeping restricted wastes out of landfills, a new class of C & D landfill is being proposed by KDHE which will require legislative action. These landfills would be permitted to receive limited amounts of restricted materials such as empty chemical containers and MSW generated at a C/D site. Such a landfill would be required to have a clay liner, leachate collection and management, and perform groundwater monitoring. Owners or applicants could attempt to show that naturally occurring soil conditions provide equivalent protection to groundwater as the clay liner.

Due to the proposed changes and the need for statutory action, the earliest that this regulation will be adopted is the summer of 2002. For more details, contact Paul Graves, Chief, Landfill Permits Unit, at (785) 296-1596).

*Bill Bider, Bureau of Waste Management*

## Water Engineer Honored

Rex Heape, District Water Engineer, was recently awarded the 2001 Fox Award by the Kansas Water Office. The award recognizes outstanding support of the goals and objectives of the Kansas Water Plan. Rex was recognized for his tireless efforts in the formation of Public Wholesale Water Supply Districts and County Sewer Benefit Districts. The Fox Award honors Ron Fox, former state representative, who championed the cause of the Kansas Water Plan and who passionately advocated its development and implementation.

## CAFO Composting Workshops Planned

Management of the manure and dead animals generated at confined animal feeding operations (CAFOs) is a constant problem. In response to the Kansas Livestock Association requesting training for their members, KDHE's Bureau of Waste Management has agreed to provide composting facility operator workshops for the livestock industry in Kansas. These workshops will include training for a variety of livestock facilities. Larry Wilhelm, Organics Recycling Institute in Texas will lead the training. Larry has been actively involved in compost education for the past 10 years in Texas, Oklahoma, Missouri, Louisiana and Kansas.

The workshops will be held on:

February 13	Concordia - Cloud County Community College
February 14	Holton - 4-H Fair Building
February 15	Chanute - Neosho County Community College
February 20	Colby - Colby Community College
February 21	Garden City - Garden City Community College
February 22	Pratt - Pratt Community College

The registration fee is \$25 and includes lunch, breaks and a copy of the On-Farm Composting Handbook which will be used as a training manual. For more information, or to register, contact:

Ken Powell, 785- 296-1121 or  
kpowell@kdhe.state.ks.us

*Ken Powell, Bureau of Waste Management*

**The *Kansas Environment 2002* report is now available!** The report was developed to foster discussion and examination of environmental issues in the State. The twenty-page, biennial report covers selected environmental trends in air quality, water quality, waste management, and environmental remediation.

You may view the report on the Internet at [www.kdhe.state.ks.us/environment/ksenv02.pdf](http://www.kdhe.state.ks.us/environment/ksenv02.pdf). If you would like to obtain a printed copy, please contact Cathy Houghton at (785) 296-1535.

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